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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,995	06/27/2003	Pontus Andersson	AWA-066XX	6412

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BOSTON, MA 02109

EXAMINER
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DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/608,995

Applicant(s)

ANDERSSON, PONTUS

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 12-27, 29, 30, 33-40, 42-45 and 48-50 is/are rejected.
- 7) ☒ Claim(s) 6, 10, 11, 28, 31, 32, 41, 46 and 47 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/6/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

No priority claimed.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) filed 10/6/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Specification***

The disclosure is objected to because of the following informalities:

Delete page 9, lines 16-18, because the specification is intended to support and breathe life into the claims, not vice versa.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-9, 12-27, 29, 30, 33-40, 42-45 and 48-50 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4418948, Lew et al.

In regards to claim 1, Lew et al discloses an assembly system for pipe coupling, the system comprising first pipe element (10), second pipe element (10) and a circumferential clamping device (15) to be applied on the outside of the ends of the pipe

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elements and tightened around the same when the two pipe elements are placed end-to-end, the assembly system further comprising coupling device (19) to be arranged between the ends of the first and the second pipe elements and beneath the circumferential clamping device, so as align or hold the two pipe elements during assembly.

Note, a comparison of the recited process with the prior art processes does NOT serve to resolve the issue concerning patentability of the product. In re Fessman, 489 F2d 742, 180 U.S.P.Q. 324 (CCPA 1974). Whether a product is patentable depends on whether it is known in the art or it is obvious, and is not governed by whether the process by which it is made is patentable. In re Klug, 333 F2d 905, 142 U.S.P.Q. 161 (CCPA 1964). In an ex parte case, product-by-process claims are not construed as being limited to the product formed by the specific process recited. In re Hirao et al., 535 F2d 67, 190 U.S.P.Q. 15, see footnote 3 (CCPA 1976). Therefore, the coupling device arranged so as align or hold the two pipe elements during assembly is given little patentable weight.

In regards to claim 2, Lew et al discloses the coupling device having at least one coupling means (20, 23) extending outwardly in an axial direction towards the pipe elements.

In regards to claim 3, Lew et al discloses the coupling means being arranged to engage the pipe elements on the two their outside.

In regards to claim 4, Lew et al discloses the pipe elements at their ends having an outwardly directed circumferential bead or flange.

In regards to claim 5, Lew et al discloses the coupling device ring (21) comprising first and a second coupling means (20,23), where the first coupling means is adapted outwardly engage the first pipe element or the bead or flange the first pipe element and the second coupling means is adapted to outwardly engage or hold the second pipe element or the bead or flange of the second pipe element.

In regards to claim 7, Lew et al discloses the coupling means being adapted to engage a part of the pipe elements or a part of the beads or flanges of the pipe elements.

In regards to claim 8, Lew et al discloses the first coupling means extending along part of the circumference of the ring so as to engage the first pipe element or the bead or flange of the first pipe element, and the second coupling means extends along part of the circumference of the ring so as engage or hold the second pipe element or the bead or flange of the second pipe element.

In regards to claim 9, Lew et al discloses the first coupling means adapted outwardly engage an upper part of the first pipe element or the bead or flange of the first pipe element and the second coupling means is adapted to outwardly engage or hold lower part of the second pipe element the bead or flange of the second pipe element.

In regards to claim 12, Lew et al discloses the coupling device comprising sealing means.

In regards to claim 13, Lew et al discloses the coupling device being made of plastic material, metal or reinforced fibre material.

In regards to claim 14, Lew et al discloses clamping device being tightened around the ends of the pipe elements or the beads or flanges of the pipe elements and the coupling device by a locking mechanism.

In regards to claim 15, Lew et al discloses the coupling device being an integrated part of the end of the first pipe element.

In regards to claim 16, column 1, line 34 through column 3, line 10, Lew et al discloses a method for coupling first pipe element and a second pipe element, the method comprising

- applying circumferential clamping device on the outside of the first pipe element in an untightened position;

- arranging coupling device in engagement with the end of the first pipe element;

- bringing the end of the second pipe element into engagement with the coupling device, thus aligning or holding the two pipe elements during the assembly;

- applying the circumferential clamping device on the outside of the ends of the pipe elements; and

- tightening the circumferential clamping device around the ends of the pipe elements.

In regards to claim 17, column 1, line 34 through column 3, line 10, Lew et al discloses a method for coupling a first pipe element second pipe element, use being made of an assembly system and comprising circumferential clamping device, which applied on the outside of the ends of the pipe elements and tightened around the same when the two pipe elements are placed end-to-end, wherein a coupling device is

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arranged between the ends of the first and second pipe elements to align or hold the two pipe elements during the assembly.

In regards to claim 18, column 1, line 34 through column 3, line 10, Lew et al discloses use of an assembly system for coupling a first pipe element and a second pipe element.

In regards to claim 19, column 1, line 34 through column 3, line 10, Lew et al discloses use the assembly system wherein the pipe elements at their ends comprise an outwardly directed circumferential bead or flange.

In regards to claim 20, Lew et al discloses an assembly system pipe coupling including first pipe element and a second pipe element, the coupling device having at least one coupling means extending outwardly the axial direction, the coupling means being arranged to engage the two pipe elements on their outside.

In regards to claim 21, Lew et al discloses the coupling device being ring comprising a first and second coupling means, where the first coupling means is adapted to outwardly engage the first pipe element and the second coupling means is adapted to outwardly engage or hold the second pipe element.

In regards to claim 22, Lew et al discloses the first coupling means being adapted to outwardly engage an upper part of the first pipe element and the second coupling means is adapted to outwardly engage or hold a lower part of the second pipe element.

In regards to claim 23, Lew et al discloses two circular coupling means.

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In regards to claims 24-27, 29-31 and 34-36, Lew et al discloses the coupling device being an integrated part the end of the first pipe element.

In regards to claims 37-40, 42-44 and 48-50, Lew et al discloses use of an assembly system for coupling a first pipe element and a second pipe element.

***Allowable Subject Matter***

Claims 6, 10, 11, 28, 32, 31, 41, 46 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose the coupling means having a groove adapted to engage the beads the pipe elements (claim 6); nor, the coupling ring comprising a plurality of first and second coupling means being spaced apart along the circumference of the coupling ring (claim 10); nor, the coupling means comprising friction enhancing means on the surface facing the pipe elements (claim 11).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

.amd

  
**Aaron Dunwoody**  
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